



## Appeal Decision

Inquiry held on 9-11 January 2024

Site visit made on 12 January 2024

**by J Woolcock BNatRes MURP DipLaw MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22<sup>nd</sup> March 2024**

### **Appeal Ref: APP/M1595/W/23/3328712**

### **Land to South of Marsh Farm, Fobbing, SS17 9JW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Rayleigh Green Limited against the decision of Thurrock Borough Council (TBC).
- The application Ref: 21/01635/FUL, dated 23 September 2021, was refused by notice dated 12 June 2023.
- The development proposed is the installation of a renewable led energy generation station, comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with substation, inverter/transformers stations, site access, internal access tracks, security measures, access gates, other ancillary infrastructure, grid connection cable, landscaping and biodiversity enhancements.

### **Decision**

1. The appeal is allowed and planning permission is granted for the installation of a renewable led energy generation station, comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with substation, inverter/transformers stations, site access, internal access tracks, security measures, access gates, other ancillary infrastructure, grid connection cable, landscaping and biodiversity enhancements at Land to South of Marsh Farm, Fobbing, SS17 9JW, in accordance with the terms of the application, Ref: 21/01635/FUL, dated 23 September 2021, and the plans submitted with it, as amended, subject to the conditions set out in the Schedule of Conditions attached to this decision.

### **Preliminary matters**

2. The Inquiry sat for three days and there was an accompanied site visit on the fourth day. With the agreement of the parties, I also visited off-site locations unaccompanied. Closing submissions were in writing and the Inquiry was closed in writing on 11 March 2024.<sup>1</sup> TBC and the appellant agreed a Statement of Common Ground (SoCG) and an addendum was submitted regarding the updated version of the National Planning Policy Framework (NPPF) published on 19 December 2023.<sup>2</sup>
3. In refusing the application against officer recommendation for approval, TBC considered a revised scheme from that originally submitted with the application. The revised scheme reduced the size of the area for solar panels, along with minor amendments to the proposed planting. It is the scheme (shown on Drawing Nos. FO2.0 Rev 19 site plan and 7428\_100 Rev E

<sup>1</sup> ID12 and ID13.

<sup>2</sup> CD C10 and CD C19.

Landscape Ecology Enhancement Plan) that I have used in my consideration of the appeal. Drawing No. 7428\_100 Rev E depicts new ponds, an orchard, off-site hedge and diverse planting, along with natural areas, all outside the appeal site edged red.<sup>3</sup> These are part of wider estate biodiversity enhancements. This off-site landscaping is not the subject of any planning obligation or suggested planning condition that relates to the appeal scheme. In determining this appeal, I have given no weight to these off-site works.

4. The application was accompanied by an Environmental Statement (ES). I am satisfied that the ES reasonably complies with Schedule 4 of the EIA Regulations. In deciding the appeal, I have had regard to the Environmental Information.<sup>4</sup>
5. Part of the appeal scheme, comprising a section of the cable route corridor connecting to the National Grid substation at Rayleigh, falls within Basildon District. Planning permission for this development was granted by Basildon Council on 8 September 2023.<sup>5</sup>
6. The development plan for the locality includes the Thurrock Local Development Framework Core Strategy and Policies for Management of Development (as amended) adopted in 2015.<sup>6</sup> The appeal site is within the Green Belt as designated in the development plan. The parties are agreed that the proposed development would be inappropriate development in the Green Belt. I concur with that position.
7. Policy PMD6 accords with Green Belt policy in the NPPF. However, Policy CSSP4 refers to PPG2 and does not incorporate current provisions in the NPPF regarding very special circumstances.<sup>7</sup> I have, therefore, given more weight to the NPPF in applying Green Belt policy.
8. The National Planning Practice Guidance (NPPG) includes guidance about renewable and low carbon energy.<sup>8</sup> Factors to consider include encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value.
9. On 22 November 2023 Overarching National Policy Statement for Energy (EN-1) and National Policy Statement for Renewable Energy Infrastructure (EN-3) were published and laid before Parliament for approval. The Secretary of State for Energy Security and Net Zero announced in a written ministerial statement on 17 January 2024 that these had been approved and designated under the provisions of the Planning Act 2008. Given that the capacity of the proposed generation station in this appeal would be so close to the 50 megawatt (MW) threshold for a nationally significant infrastructure project (NSIP), I consider that EN-1 and EN-3 are material considerations in

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<sup>3</sup> ID9.

<sup>4</sup> The Environmental Information means the environmental statement, including any representations made by any body required by the Regulations to be invited to make representations, and any representations duly made by any other person about the environmental effects of the development.

<sup>5</sup> Basildon Council Ref:21/01452/FULL.

<sup>6</sup> All references in this decision to 'Policy' and 'Policies' are to policies of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development (as amended) adopted in 2015.

<sup>7</sup> PPG2 is a former Green Belt policy.

<sup>8</sup> The NPPG includes reference to a speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013 and written ministerial statement on solar energy: protecting the local and global environment made on 25 March 2015.

determining this appeal.<sup>9</sup> EN-1 and EN-3 were raised at the Inquiry and were the subject of submissions by the parties.

10. The appeal site is located to the east of Fobbing and wholly within the London Area Green Belt. The village of Fobbing lies to the east of the town of Corringham. The Church of St Michael in Fobbing is a grade I listed building. I am required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of a listed building. The historic core of Fobbing is a designated Conservation Area. Footpath 14 traverses the appeal site in a north/south direction and Footpath 199 crosses the site east/west. Both footpaths are Public Rights of Way (PROW). The England Coast Path lies further to the east and south of the site.

### **Proposed development**

11. Rayleigh Green Limited has entered into a Bilateral Connection Agreement with National Grid Electricity System Operator, with a connection date of 31 October 2025, at the Rayleigh National Grid 400/33 kV Substation.<sup>10</sup> Solar panels generate electricity in direct current (DC), which is converted by inverters to alternating current (AC) for export to the grid. Capacity can be measured in different ways, including in terms of combined capacity of installed solar panels (in DC), or in terms of combined capacity of installed inverters (in AC). The Technical Note I requested for the Inquiry states: <sup>11</sup>

"2.3 The connection allows for 57MW import and 57MW export of electricity.

2.4 Although the total export capacity is 57MW, as this is the capacity of the tertiary connection secured, the 57MW export capacity is split into two stages 49.9MW and 7.1MW. This is restricted via a contractual arrangement with National Grid.

2.5 Through splitting the connection it is designed to keep the actual built capacity of the solar farm to 49.9MW to ensure that the maximum export capacity of the project remains below the threshold for a generating station to be considered a Nationally Significant Infrastructure Project. The AC output will in practice be restricted to 49.9MW through the installed combined inverter/transformer units.

2.6 The import and export capacity of the battery energy storage system will utilise the 49.9MW and also the remaining 7.1MW of the connection."

The Planning Act 2008 specifies that if a generating station is (when constructed) expected to be a generating station whose capacity is more than 50 MW then it is defined as an NSIP.<sup>12</sup>

12. The design for the appeal scheme includes 99,120 panels, equating to a generating capacity of 49.5 MW, based on a panel specification of 500 Watts. The appeal scheme does not specify the capacity of the proposed inverters. With an 11.2% load factor derived from DUKES, a 49.9 MW scheme would generate 48.99 million kWh per year.<sup>13</sup> The proposed generation station would

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<sup>9</sup> EN-1 paragraphs 1.2.1 and 1.2.2.

<sup>10</sup> ID10.

<sup>11</sup> CD C17.

<sup>12</sup> Sections 14(1)(a) and 15(2)(c) of the Planning Act 2008.

<sup>13</sup> ID5. DUKES is an abbreviation for the Digest of UK Energy Statistics.

operate for 40 years from the date of the first exportation of electricity from the appeal site.<sup>14</sup>

13. The solar panels would be up to 3m high, ground mounted on tracking frames with bifacial panels and a tracking system to follow the path of the sun. This means that their height would vary throughout the day. The arrays, apart from those in an area of archaeological interest, would be installed on posts driven into the ground. The scheme includes sixteen inverter/transformer stations housed in metal containers approximately 12m long x 2.4m wide x 2.9m high. The scheme includes a Battery Energy Storage System (BESS). Twenty-four battery storage units would be housed in metal containers of the same dimensions as the containers for the inverters/transformers. A generating substation and auxiliary switchgear area on the site, approximately 12m long x 4m wide x 4m high, would combine electricity from the transformers and batteries before transferring it to the Rayleigh Substation, which is located 7.6 km to the north-east of the proposed generation station. The electricity would enter the national grid for national use.
14. Deer fencing 2.1m high would be installed around the perimeter of the site. A higher specification of security fencing (2.4m high) is proposed around the battery storage area, along with a system of CCTV cameras. The appeal site is proposed to be accessed via an existing gated farm access from High Road, which links Fobbing with the A13 to the north.

## **Main issues**

15. The main issues in this appeal are:

- (1) The effects of the proposed development on the character and appearance of the area.
- (2) The effects of the proposed development on heritage assets.
- (3) Whether the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

## **Reasons**

### *Green Belt*

16. Paragraph 156 of the NPPF provides that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development, where developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.
17. The Government attaches great importance to Green Belts and the fundamental aim of policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In considering applications substantial weight should be given

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<sup>14</sup> CD C17.

to any harm to the Green Belt. The NPPF adds that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

18. The appeal scheme would be inappropriate development, which is by definition harmful to the Green Belt. The proposed panels and associated infrastructure would occupy an area that is currently open fields. The installation of 99,120 solar PV panels, sixteen inverter/transformer stations and twenty-four battery storage units, all housed in metal containers, along with a substation and auxiliary switchgear area, would result in a substantial built form that would have a significant adverse effect on the openness of this part of the Green Belt, in both spatial and visual terms. This harm would persist for the 40-year life of the proposed generation station.
19. The parties acknowledge that the proposal would result in some harm to Green Belt purpose c). I concur because the solar arrays and associated infrastructure in this context would appear as utilitarian structures that would not assist in safeguarding the countryside from encroachment. There is also agreement that the appeal scheme would not undermine Green Belt purpose a) concerning unrestricted sprawl of large built-up areas. I have no reason to find otherwise. However, there is a dispute about whether the proposed development would harm Green Belt purposes b), d) and e).
20. The solar panels and associated infrastructure would be set back some distance from the Vange suburb of Basildon, and beyond large fields to the east of Fobbing.<sup>15</sup> Taking into account the evidence adduced at the Inquiry and what I saw at my site visit, I am satisfied that the appeal scheme would not be perceived as development that merged Basildon with Corringham. I find no conflict with purpose b) to prevent neighbouring towns merging into one another.
21. The fact that Fobbing has a designated Conservation Area is not sufficient by itself to elevate its status as a village to a historic town. There is no conflict with Green Belt purpose d) to preserve the setting and special character of historic towns. Nor would the proposal be at odds with Green Belt purpose e) to assist in urban regeneration because of the unlikely availability of derelict or other urban land to accommodate a solar generation station of sufficient scale to utilise the available grid connection.
22. Harm to the Green Belt arises from inappropriate development, impairment of openness, and conflict with Green Belt purpose c). The following sections of this decision consider whether the appeal scheme would result in any other harm, and then has regard to other considerations, so that a balancing exercise can be undertaken to determine whether very special circumstances exist.

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<sup>15</sup> Fobbing High Road is about 600 m from the nearest part of the appeal site that would contain solar panels and containers. The southern part of Vange is about 650 m from the appeal site.

### *Character and appearance*

23. TBC refused the application on Green Belt grounds, but argued at the Inquiry that the appeal site is a valued landscape. NPPF paragraph 180 provides that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, a) protecting and enhancing valued landscapes, and b) recognising the intrinsic character and beauty of the countryside. The NPPF does not define valued landscapes and I was referred to the Landscape Institute's Technical Guidance Note (TGN) 02/21 *Assessing landscape value outside national designations*.<sup>16</sup> In applying the factors in TGN 02/21 Table 1, I have considered not only the site itself and its features, elements, characteristics and qualities, but also their relationship with, and the role they play within, the site's context.<sup>17</sup>
24. This landscape has some natural heritage interest by reason of the local topography, reedbeds and hedgerows, but the majority of the appeal site is arable farmland. As indicated in the next section of this decision the appeal site makes some contribution to the setting of heritage assets in the wider landscape. But cultural heritage in the locality here does not add significantly to its landscape value. In terms of landscape condition, the area's overall good condition is adversely affected to some degree by the proximity of large-scale industrial infrastructure. There is some association of the area with the Peasants' Revolt because one of the leaders, Thomas Baker, was born in Fobbing.
25. This fringe landscape between marshland along the River Thames and the higher settled or wooded ridges has a particular identity, but it lacks rare or unusual features that would confer a strong sense of place or identity.<sup>18</sup> This is not a particularly distinctive landscape. The two PRoW across the site provide recreational opportunities to experience this landscape, which results in some community value. The area offers expansive views over the landscape, especially from higher vantage points. However, this high scenic quality is diminished to some extent by the industrial development in the wider area. The influence of the overhead power lines, transport and industrial infrastructure also detracts from appreciating the tranquillity and wildness of the wider marshland landscape. The marshes provide flood storage with some reedbeds. The area also has some landscape value as an undeveloped space between Corringham, Basildon and South Benfleet/Canvey Island.
26. Taking into account all the factors in TGN 02/21, the evidence before the Inquiry and what I experienced on site, I consider that the landscape qualities of the area do not elevate it above other more everyday landscapes. My overall judgement is that the appeal site is not part of a valued landscape for the purposes of applying NPPF paragraph 180. I turn next to the effect of the proposal on landscape character.

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<sup>16</sup> CD C12B.

<sup>17</sup> The factors cited are Natural heritage, Cultural heritage, Landscape condition, Associations, Distinctiveness, Recreational, Perceptual (Scenic), Perceptual (Wildness and tranquillity) and Functional. TGN 02/21 also states that value is best appreciated at the scale at which a landscape is perceived – rarely is this on a field-by-field basis.

<sup>18</sup> CD C11B Appendix 6 compares the proposed development with marshland in Thurrock.



27. The area is located within NCA 81 Greater Thames Estuary.<sup>19</sup> In local character assessments the majority of the appeal site lies within Landscape Character Area C1. Fobbing Marshes, with part of the proposed access road within LCA B3. Fobbing Ridge Rolling Farmland / Wooded Ridge. LCA 1. Bowers and Vange Estuary Marshlands is located to the north and north-east of the appeal site.<sup>20</sup> A Landscape Character Assessment was undertaken in 2018, in which the Landscape Character Profiles for LCA F4 Fobbing Marshes & Haven Creek and LCA H3 Fobbing Ridge Open Undulating Farmland are generally consistent with the original Landscape Character Assessment.<sup>21</sup> The appeal site and surrounds is identified within the Essex Historic Landscape Character Assessment as comprising "20<sup>th</sup> century agriculture (drained reclamation C19<sup>th</sup>-20<sup>th</sup>)" and "coastal drained enclosure (Post-1950 Boundary Loss)".<sup>22</sup> However, these characterisations are largely reflected through the alignment of boundaries, that would not be harmed by the proposed development.
28. Key characteristics of the Fobbing Marshes LCAs include a low-lying flat and exposed landscape with a network of winding ditches, with extensive areas of grazing marsh. The absence of settlements and roads create a sense of wildness and remoteness in a large-scale landscape. Sweeping views are dominated by sky, but with a confusion of vertical structures to the south that includes London Gateway.
29. The proposed solar panels, substation, BESS and access would occupy 65.44 ha, rendering the appeal scheme a large-scale development that would, in terms of overall scale, be reasonably commensurate with the large-scale landscape in which it would be sited.<sup>23</sup> However, the proposed development would have a strong horizontal emphasis that would contrast with the vertical elements in the landscape, such as the pylons and industrial structures to the south of the site. The metal and glass panels, along with their regular arrangement in long rows, would be out of keeping with the character of the area. The colour and texture of the panels would not be typical of its agricultural and marshland context, and so the proposed development would introduce a discordant element into the local landscape. Mitigation planting would not have much impact on this harm to the landscape character of the area. I find that the proposal would have an adverse effect on the Fobbing Marshes LCAs of moderate significance up to 500 m from the appeal site (excluding the access), with this adverse impact reducing beyond this distance.
30. Given the proximity and characteristics of LCA 1. Bowers and Vange Estuary Marshlands, I consider that the appeal scheme would also have an adverse effect on this character area of moderate significance. LCA B3. Fobbing Ridge Rolling Farmland/Wooded Ridge and LCA H3 Fobbing Ridge Open Undulating Farmland have a lower sensitivity and with a reduced magnitude of effect the appeal scheme would, overall, have an adverse impact of minimal significance. However, some land towards the eastern boundary of these LCAs would fall within 500 m of the appeal site where the adverse landscape effect would be of moderate significance.

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<sup>19</sup> CD F2.

<sup>20</sup> Thurrock Landscape Capacity Study 2005 at CD F5 and Landscape Character Assessment of Basildon 2014.

<sup>21</sup> CD F7.

<sup>22</sup> CD F10, 11 and 12.

<sup>23</sup> The total area of the appeal site is about 134 ha, but the layout (not accounting for undeveloped spacing between rows of panels) would occupy 65.44 ha. CD C11B Table 2.

31. Turning to visual effects, the NPPG advises that in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero. The mostly flat landscape here provides considerable scope to screen and soften the visual impact of the proposed development.<sup>24</sup>
32. The proposed solar panels would be installed in Fields 1-7, 9 and 10, separated by drainage ditches and PRoW, where space would be provided for new hedgerows and landscaping.<sup>25</sup> These fields extend some 2.2 km north/south and up to about 1 km east/west. This elongated form of development, combined with the local topography, would make it unlikely that the whole of the appeal scheme could be seen from any single vantage point. Visual receptors would see some unscreened parts of the scheme, in combination or succession, and those moving through this landscape would experience some sequential cumulative visual effects. The appearance of the panels would also change throughout the day as they tracked the path of the sun. The proposed inverter/transformer and battery containers would have an industrial appearance and the panels would appear as utilitarian structures in this agricultural/marshland setting.
33. Visual receptors within and near to the appeal site would experience a large scale of effect that would result in an adverse visual impact of major/moderate significance.<sup>26</sup> It would be difficult to screen out all views of the proposed development from higher vantage points, such as Fobbing High Road.<sup>27</sup> However, because of the local topography only a small section of the solar panels would be visible from the grounds of the Church of St Michael. The highest part of the appeal site that would contain solar panels is within Field 1, located to the east of Whitehall Farm. The proposed 15 m wide new structure planting hedgerow along the western boundary of Field 1 would, in time, effectively screen views from the west, but not from lower vantage points to the north and east.<sup>28</sup>
34. It was apparent from my site visit that in views from elevated vantage points in Langdon Hills, Basildon Golf Club and Vange, the appeal scheme would be seen in the distance as part of a wide panoramic view that included the marshland, fringe development and large-scale industrial development.<sup>29</sup> Given the separation distance and the extent that the proposed development would contribute to the overall panorama, I consider that the appeal scheme would have a negligible visual impact in these views.
35. The flat topography would permit much of the proposed development to be effectively screened over time with new hedgerow planting and by allowing existing hedges to grow up.<sup>30</sup> However, the effect of this would be to screen out many of the long-distance views over the expansive agricultural and marshland landscape that are currently a significant feature of this area.<sup>31</sup> This

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<sup>24</sup> The Zone of Visual Influence at Figure 6 CD C11B, includes Fobbing High Road, parts of Vange, and PRoW to the east and south of the appeal site, including those near to Wat Tyler Country Park.

<sup>25</sup> Field 8 would be managed for screening purposes (to adjacent PRoW) and biodiversity habitat for farmland birds.

<sup>26</sup> CD C11B VP01, VP02 and additional VP A.

<sup>27</sup> CD C11B VP06 and VP07. CD C11D Photos 1, 2, 4 and 5.

<sup>28</sup> CD C11B VP03 and VP09. CD C11D Photos 6, 7 and 8.

<sup>29</sup> CD C11B VP8 and VP10. CD C11D.

<sup>30</sup> The site is generally flat between 1.75 m AOD and 2.25 m AOD with the land rising in Field 1 to about 17.5 m AOD.

<sup>31</sup> CD C11B VP04. CD C11D Photo 3.



planting would create a more enclosed landscape, in which PRoW would be largely contained within green corridors, albeit some of which would be wide.<sup>32</sup> Given the local context, I disagree with the appellant's assessment about the effect of mitigation planting on the visual amenity of the area, and find that the proposal would have an adverse visual impact of major/moderate significance during the lifetime of the proposed development.<sup>33</sup>

36. This level of harm would not be permanent, but 40 years far exceeds what is regarded as long term.<sup>34</sup> Overall, I find that the proposal would have an adverse effect on the landscape resource of moderate significance and that it would have an adverse visual impact of major/moderate significance. This harm to the character and appearance of the area weighs against the proposal in the planning balance.
37. Policy CSTP23 states that TBC will protect, manage and enhance the character of Thurrock to ensure improved quality and strengthened sense of place. Part I of the policy identifies key areas where character is a key issue, which include rural landscapes and Green Belt. No evidence was adduced at the Inquiry to identify significant features for the purposes of applying part II of the policy requiring retention and enhancement of such features, or to specify any local views that contribute to a distinctive sense of place that would invoke part III of the policy. Nevertheless, the likely harm to landscape character I have identified brings the proposal into some conflict with Policy CSTP23.
38. Policy PMD2 concerning design and layout requires mitigation of negative impacts. It also sets out criteria that all development proposals must satisfy. These include that development must contribute positively to the character of the area in which it is proposed, and to surrounding areas that may be affected by it. Mitigation here has its usual meaning to moderate and make less severe adverse effects. I am satisfied that the proposal would moderate its adverse landscape and visual impact, but for the reasons set out above it would not contribute positively to the character of the area and its surrounds.
39. However, for NSIPs EN-1 notes that virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape, and that all energy infrastructure is likely to have visual effects for many receptors.<sup>35</sup> Given that the capacity of the appeal scheme falls just below the NSIP threshold, I believe that EN-1 is a material consideration, and that its underlying aims for energy development should be given more weight in this case than any conflict with Policies CSTP23 and PMD2.

### *Heritage assets*

40. The Church of St Michael and Fobbing Conservation Area are designated heritage assets and great weight should be given to their conservation.<sup>36</sup> The church lies about 680 m to the west of the appeal site on a prominent site overlooking the Thames Marshes. It was evident at my site visit that the local topography would largely limit views of the proposed development from the Churchyard to solar panels within part of Field 7. However, the church tower is

<sup>32</sup> Drawing No. 7428\_100 revE Landscape Ecology Enhancement Plan states that the PRoW corridor to the east of Field 10 would be a minimum 55 m wide, and depicts the corridor between Fields 1 and 10 even wider.

<sup>33</sup> CD A19.

<sup>34</sup> GLVIA paragraph 5.51 at CD F1 refers to long term as ten to twenty-five years.

<sup>35</sup> EN-1 paragraphs 5.10.5 and 5.10.13.

<sup>36</sup> NPPF paragraph 205.

a visible skyline feature in the wider landscape and from many parts of the appeal site. The church tower is likely to have been used historically for navigation within the marshes. It now marks the location of the settlement on the higher ground. In this regard the setting of the church contributes to its heritage significance. The proposed development and screen planting would obscure some views towards the church tower, but given its elevation above the low level of the appeal site it would often be seen over the top of the solar panels, especially from vantage points in the east. Nevertheless, the appeal scheme would introduce modern infrastructure that would detract from what remains of the historic marshland setting of the church. I consider that this would result in less than substantial harm to the significance, through its setting, of the grade I listed building, but towards the lower end of the spectrum of less than substantial harm.

41. The Church of St Michael lies within Fobbing Conservation Area and similar considerations apply for the setting of the conservation area to that of the church. There are views out of the conservation area towards the appeal site from Fobbing High Road and part of the Recreation Ground, which lie on a ridge.<sup>37</sup> In addition, the conservation area includes a lower area that was a wharf giving direct access to the River Thames before the creek was dammed in 1953. The setting of the conservation area contributes to its significance in that the former creek has historic illustrative value pertaining to the siting of the settlement at this end of the ridge. The historic marshland has been altered by improved drainage and removal of creeks, but the proposed development would result in a more intrusive change to the area, that would adversely affect views to and from the conservation area and so would, to some extent, harm its setting. This would result in less than substantial harm to the significance of a designated heritage asset, but towards the lower end of the scale.
42. I have given considerable importance and weight to the harm to the significance of the grade I listed building. In the NPPF paragraph 208 balancing exercise, I consider that the less than substantial harm I have identified to the significance of the designated heritage assets here is outweighed by the public benefits that would be attributable to the renewable energy generated by the proposal. Further details about these benefits are set out later in this decision.
43. Two areas of 'redhill' salt working and two areas of anti-aircraft features remain on the appeal site. Other non-designated heritage assets here are Marsh Lane and Vange and Fobbing marshes pasture grazing areas.
44. The redhills are formed by reddish deposits from distinctive pottery types and burnt materials used in salt production in the later prehistoric, Romano-British or possibly medieval times. Their significance derives primarily from the archaeological interest of the remains. The topography indicates that salt production was undertaken at these sites, which are on higher ground adjacent to the marshes. The local topography contributes to the setting of these assets, but the remains are not now legible in the landscape, which has been drained. No panels are proposed in one redhill area, and the appeal scheme proposes the use of no-dig ballast foundations in the other. Nevertheless, minor harm would result to the significance of these assets due to the

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<sup>37</sup> CD H6.

obstruction of views that assist in the legibility of the area as former marshland.

45. The anti-glider/aircraft features are slot trenches on the flat marshlands that have now been filled in. There is no evidence before the Inquiry to indicate that any physical remains of these trenches survive on the site. If there are such remains, then the proposed development would not have much of an impact on the assets or their setting because of the changes that have already taken place to the former marshland landscape. Any harm would be of negligible significance.
46. Marsh Lane is a medieval trackway extending down the slope from Fobbing High Road towards the appeal site. The farm it once led to has now been demolished. Its heritage value now largely lies in the indication it provides of an historic route from Fobbing into the wider marshes characterised by curvilinear boundaries and ditches. The appeal scheme would, to some extent, reduce the legibility of this wider setting to the trackway. But this would be a minor impact to a non-designated asset of minimal heritage value.
47. Vange and Fobbing Marshes is an area of former marshland that has experienced various degrees of reclamation and improved management over time, but its irregular enclosures and curvilinear boundaries are indicators of its marshland origin. Solar panels on a part of this area would make it more difficult to appreciate the significance of these sinuous boundaries and this would result in a minor level of harm.
48. Given the scale of the harm I have identified and the significance of the non-designated heritage assets in this case, it is my balanced judgement that any harm to these assets from the proposed development would not weigh much against the proposal.<sup>38</sup>
49. The harm I have identified would occur for the lifetime of the proposed development. Taking all these considerations into account, I consider that the appeal scheme would result in minor harm to heritage assets. I find no conflict with Policies CSTP24 and PMD4, because they provide for the appropriate protection and enhancement of heritage assets in accordance with their significance and following the approach set out in the NPPF.

#### *Other matters*

50. With the exception of a part of its north-western corner the appeal site lies within Flood Zone 3a, with a high probability of flooding. However, this area will benefit from tidal flood defences for the lifetime of the proposed development.<sup>39</sup> As set out in Annex 3 of the NPPF the proposed generation station is 'essential infrastructure'. The Sequential and Exception Tests apply.<sup>40</sup> The NPPG adds that in Flood Zone 3a essential infrastructure should be designed and constructed to remain operational and safe in times of flood.
51. I asked at the Inquiry why one of the exclusionary criteria applied in the Sequential Test was a minimum site requirement of 120 ha for a tracking system, and queried how this squared with the NPPG, which provides that considering reasonably available sites could include a series of smaller sites.

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<sup>38</sup> NPPF paragraph 209.

<sup>39</sup> CD B1.

<sup>40</sup> TBC considers that both the Sequential and Exception Tests are passed. SoCG paragraphs 8.24 and 8.25.

However, I accept that the approach adopted by the appellant was appropriate in the circumstances that apply here, given the likely difficulties in obtaining planning permission for a number of separate sites, and the practicalities of coordinating multiple sites so as to utilise the identified grid capacity in the time period specified in the grid connection offer. I concur with the parties that the proposal satisfies the Sequential Test.<sup>41</sup>

52. The solar panels would be elevated 0.8m above ground level and so would not be likely to impede any surface water flow paths or displace any ponding of surface water. I am satisfied that the submitted Flood Risk Assessment demonstrates that the proposed development would not result in any increase in flood risk off-site or increase flood risk on-site.<sup>42</sup> Measures proposed for fluvial and tidal flooding would adequately address any groundwater flooding. The evidence before the Inquiry is that the scheme could be designed and constructed to remain operational and safe in times of flood. These are matters that could be addressed by the imposition of an appropriate planning condition. Renewable energy from the scheme would provide wider sustainability benefits to the community that would outweigh any flood risk. The proposed development complies with the Exception Test. I find no conflict with Policies CSTP27 and PMD15 concerning flood risk assessment and management.
53. There is local concern about the effects of construction vehicles on the local highway network, particularly with regard to the railway level crossing and nearby bends in High Road. However, there is no technical evidence to indicate that traffic from the proposed development would pose an unacceptable adverse effect on highway safety. The Highway Authority does not object to the proposal subject to the imposition of planning conditions.<sup>43</sup> I find no conflict with Policies PMD9 and PMD10 concerning the road network and transport impacts.
54. Noise from the proposed generation station could be controlled by a planning condition.<sup>44</sup> There is concern about glint and glare from the solar panels adversely impacting residential properties and aviation. The technical evidence does not support this view and indicates that glint and glare are matters that could be addressed by implementing an approved management plan.<sup>45</sup>
55. There is local concern about battery fires. However, there are no outstanding objections from Essex County Fire and Rescue Service.<sup>46</sup> I am satisfied that fire safety is a matter that could be reasonably addressed by implementing an up to date and approved Battery Safety Management Plan.
56. The agricultural land within the appeal site is classified as grade 3b. The proposal would not, therefore, utilise the best and most versatile agricultural land. Some agricultural activity is proposed to be continued on the land during the lifetime of the generating station by grazing between the panels. A grazing management plan could be required by imposition of a planning condition. On

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<sup>41</sup> CD C16, ID4 and ID10.

<sup>42</sup> CD A9.

<sup>43</sup> CD B4.

<sup>44</sup> CD A10.

<sup>45</sup> CD A25.

<sup>46</sup> CD B3.

decommissioning of the generation station, the site would revert to agricultural use.<sup>47</sup>

57. The Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar sites are located 3 km to the south of the appeal site. I have had regard to the submitted Habitats Regulations Assessment (HRA).<sup>48</sup> This found that, when applied to the project alone, a likely significant effect on the SPA and Ramsar sites cannot be ruled out. Both sites have interest features that are non-breeding birds and assemblages of waterbirds. The Ramsar site has interest features that are plant and invertebrate species. I have taken into account the consultation responses from Natural England, Essex Wildlife Trust and the Royal Society for the Protection of Birds.<sup>49</sup> Natural England has no objection to the amended proposal subject to a long-term ecological management plan secured by a suitably worded condition attached to any permission.
58. I am satisfied that the HRA provides sufficient information for me to undertake an Appropriate Assessment having regard to the interest features and conservation objectives for these sites.<sup>50</sup> The appeal scheme proposes the creation of waterbird mitigation land. The creation, management and monitoring of the waterbird mitigation land could be secured through an approved Ecological Management Plan. Subject to mitigation measures that could be secured by the imposition of appropriate planning conditions, I conclude that the proposed development, alone or in combination with other plans or projects, would not affect the achievement of the conservation objectives of the SPA and Ramsar sites, and would not adversely affect the integrity of these sites.
59. In addition to the matters dealt with elsewhere in this decision, third party written representations raised concerns about a number of other matters. These are summarised in CD C11A Appendix 4 and include; tracking panels are unreliable and are incompatible with sheep grazing, the development would be too close to homes, would result in an invasion of privacy from CCTV cameras, and have a negative impact on the mental health and well-being of local residents. The evidence adduced does not indicate, subject to the imposition of appropriate planning conditions, that these are matters that weigh against the proposal. I have taken into account all other matters raised in the written representations at the application and appeal stages.

#### *Other considerations*

60. TBC and the appellant set out in a joint statement their respective views about 'other considerations' for the purposes of undertaking the very special circumstances balance.<sup>51</sup> The 'considerations' listed in the joint statement are underlined in the following paragraphs.
61. Renewable energy generation and subsequent reduction in carbon emissions. The proposed generation station would supply up to 49.9 MW of electricity to the national grid. This would be the equivalent to the annual electricity needs of about 16,100 family homes in Thurrock. It is estimated that this would displace around 23,600 tonnes per annum of carbon dioxide. Paragraph 157 of

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<sup>47</sup> CD A14 and SoCG paragraphs 8.31 and 8.32.

<sup>48</sup> CD A17, CD A23 and CD A24.

<sup>49</sup> CD B8, CD B13 and CD B14.

<sup>50</sup> CD C18.

<sup>51</sup> CD C15.

the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, and support renewable and low carbon energy and associated infrastructure.

62. The associated battery storage facility would assist in balancing peak demand for electricity, providing more flexibility for the grid and the possibility of offsetting fossil fuel requirements at peak times. The co-location of a BESS would mean that the renewable energy generated could be used more effectively.<sup>52</sup> The scheme would be beneficial for energy security. It would help to deliver the Government's goals for greater energy independence. This adds to the weight to be given to the generation of renewable energy per se. The lack of alternative sites to take advantage of the available grid connection is a consideration that warrants some slight weight. But this is a consideration that is closely related to the overall benefits of the scheme arising from the renewable energy that would be generated.
63. The UK Government and TBC have both declared a climate emergency.<sup>53</sup> These declarations point to a need for the rapid delivery of renewable energy generation. By themselves such declarations do not increase the weight to be attributed to the renewable energy benefits of the proposed development. For a comparable scheme the carbon benefits would remain the same for a local authority that had not declared a climate emergency.
64. The appellant argues that utilising a solar tracking system with bi-facial panels would increase continuous electrical productivity by 20-25% when compared with fixed solar arrays, and that the use of best available technology should be given weight in its own right. But I am not convinced that this is additional weight. It would be in the commercial interests of the operator to fully use the secured grid connection capacity. Fixed panels would be a cheaper option, but it is unlikely that fixed panels occupying the same area proposed for solar panels in the appeal scheme would make effective use of the available grid connection.
65. In a transmission versus grid connection consideration additional weight is claimed for a connection directly into the National Grid rather than via the Distribution Network. While this might avoid delays in securing a connection agreement with the Distribution Network Operator, it seems to me that meeting national targets will require all available capacity within the electricity distribution network to be fully exploited, and that the circumstances that apply here should not be given additional weight.
66. Policy CSTP26 provides encouragement for opportunities to generate energy from non-fossil fuel and low-carbon sources, but adds that a proposal would be unacceptable where it produces a significant adverse impact that cannot be mitigated. The harm I have identified to the Green Belt from inappropriate development cannot be mitigated. This brings the proposal into some conflict with Policy CSTP26. The appeal scheme would not constitute Critical National Priority NSIP development for the purposes of applying EN-1.<sup>54</sup> However, EN-1 provides that the Secretary of State will take as the starting point for decision-making that such infrastructure is to be treated as if it has met any very

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<sup>52</sup> The NPPG Paragraph 032 provides that storage can enable decarbonisation of the energy system through grid balancing, maximising usable output from intermittent low carbon generation, and avoiding the need for costly network upgrades and new generation capacity.

<sup>53</sup> CD E3.

<sup>54</sup> EN-1 paragraphs 4.2.4 and 4.2.5.



special circumstances test.<sup>55</sup> Given that the capacity of the appeal scheme falls just below the NSIP threshold, I believe that EN-1 is a material consideration, and that its underlying aims for energy development should be given more weight in this case than any conflict with Policy CSTP26.

67. The provisions of EN-1 and EN-3 do not apply a policy test to the appeal scheme. However, Section 2.10 of EN-3 provides that the Government is committed to sustained growth in solar capacity as a key part of its strategy for low-cost decarbonisation of the energy sector. It adds that solar also has an important role in delivering the Government's goals for greater energy independence and refers to *Powering Up Britain: Energy Security Plan*.<sup>56</sup> EN-3 cites the *British Energy Security Strategy* supporting solar that is 'co-located' with other functions, for example storage, to maximise the efficiency of land use.<sup>57</sup> I consider that the proposed generation station with the co-location of BESS gains support from the Government's underlying aims for solar development as expressed in EN-3. The proposal would make a cumulative contribution to meeting the target set out in the Climate Change Act 2008<sup>58</sup> and gains support from the UK Government Solar Strategy 2014<sup>59</sup>, the Net Zero Strategy<sup>60</sup> and Energy White Paper<sup>61</sup>.
68. Overall, I consider that the collective benefits from renewable energy generation with co-location of BESS and energy security advantages should be given substantial positive weight in the very special circumstances balance.
69. The Fobbing Reedbeds Local Wildlife Site (LWS) is located within the appeal site. The Vange Creek Marshes LWS borders the site on its eastern side and the Corringham/Fobbing Marsh LWS borders the site on its eastern and south-eastern sides. Subject to the imposition of appropriate planning conditions I am satisfied that the appeal scheme would not have an unacceptable adverse effect on the nature conservation interests of these or other sites of wildlife interest further afield. Turning to Biodiversity Net Gain (BNG) the proposed development includes provision of 5.8 ha of waterbird mitigation land, 2.3 ha for a farmland bird feeding area, along with grassland enhancement and carr scrub planting.
70. The scheme would result in a BNG on the appeal site of approximately 28% for habitats and 1,353% for hedgerows.<sup>62</sup> This could be achieved with implementation and enforcement of appropriate planning conditions. The scheme gains some support from Policies CSTP19 and PMD7, which encourage development to include measures that contribute positively to the overall biodiversity in the Borough and seek to achieve net gains where possible. I consider that the biodiversity benefits of the proposal should be given moderate weight in the very special circumstances balance.
71. Economic benefits including construction jobs, contribution to the local economy and rural diversification should be given slight/moderate weight. Paragraph 88 of the NPPF provides that planning decisions should enable the diversification of agricultural businesses. In assessing the weight to be given

<sup>55</sup> EN-1 paragraph 4.2.16.

<sup>56</sup> CD D19.

<sup>57</sup> CD D16.

<sup>58</sup> CD D6 and CD D7.

<sup>59</sup> CD D4.

<sup>60</sup> CD D15.

<sup>61</sup> CD D10

<sup>62</sup> SoCG paragraph 8.29.

to 'other considerations' for the balancing exercise that applies here, I consider that farm diversification would be largely a benefit to the local economy, and as such would not justify an allocation of separate weight in the planning balance. Nevertheless, to the extent that the scheme would contribute towards making British agriculture carbon neutral it should be awarded some positive weight.<sup>63</sup> But again, this is a consideration closely related to the overall benefits of the scheme arising from the renewable energy that would be generated and so could result in 'double counting' with the first 'consideration' in this section of my decision.

72. The appellant claims weight for green infrastructure enhancements that would include two green corridors through the proposed development. These enhancements, although beneficial, are intended to offset harmful impacts of the appeal scheme. They should not, in my view, be given much weight in a very special circumstances balancing exercise. The west/east corridor would incorporate a permissive path along a route that is currently used as an unofficial path. The proposed permissive path should attract no weight because it appears that the unofficial path was created because Footpath 199 is obstructed.
73. I am not convinced that soil regeneration should weigh positively in this balancing exercise. Leaving the soil undisturbed for 40 years would increase soil organic matter and benefit soil structure, but there is no evidence to indicate what effect removing solar panel foundations and other infrastructure on decommissioning would have on soil quality. Furthermore, suggested planning Condition 4 would require reinstatement of the land so that with aftercare it was of the same grade of agricultural quality as currently exists. Compliance with such a condition would not require enhancement of the soil. The proposal gains no support from Policy CSTP21, which recognises the importance of food security and ensures the protection, conservation and enhancement of agriculture, productive land and soil.
74. As an 'other consideration' to be weighed in the very special circumstances balance no weight should be given to the good design of the scheme, which I have found would result in significant harm to the character and appearance of the area.

### *Planning balance*

75. In the planning balance that applies here the harm to the Green Belt attracts substantial weight. I consider that significant weight should be given to the harm that would result to the character and appearance of the area. Harm to the Church of St Michael attracts considerable importance and weight.<sup>64</sup> However, in my judgement, the overall minor harm to the heritage of the area I have identified should be given slight weight in the planning balance. Against this overall harm must be weighed the benefits of the proposed development. Chief amongst these is the significant contribution of the appeal scheme towards the generation of renewable energy and the reduction in greenhouse gas emissions, which warrants substantial weight. This, along with the weight to be given to the biodiversity and economic benefits of the appeal scheme would, in my judgement, clearly outweigh the harm I have identified.

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<sup>63</sup> CD D21.

<sup>64</sup> CD I24.

## Conditions

76. The appellant and TBC agreed suggested planning conditions in the event that the appeal succeeded, except for a requirement that the development be carried out in accordance with the recommendations and mitigation measures contained within the ES and schemes submitted with the application.<sup>65</sup> Such a condition would not meet the test for a reasonable planning condition because some of the recommendations and mitigation measures in the ES and submitted schemes do not specify with the necessary precision what would be required to comply with the condition.
77. In addition to the standard commencement condition, it would be necessary to define the permission and ensure that the development was carried out in accordance with the approved plans (Conditions 1 and 2). For the avoidance of doubt, it would be necessary to specify that the approval applied only to land within the site boundary edged red on Drawing 2033/D001.1 Revision v.k and within the administrative area of TBC, because some development is shown on the drawings outside the red line, and because the red line boundary extends into neighbouring Basildon.
78. This would be a temporary permission and reinstatement of the Green Belt site would be required after the use ceased in accordance with Policy PMD6 (Conditions 3 and 4). A separate Decommissioning Traffic Management Plan (DTMP) would be necessary as it would not be appropriate after 40 years to rely on the plan approved for construction traffic. A revised Construction Traffic Management Plan (CTMP) would need to be approved, and provision made for road surveys, in the interests of highway safety in accordance with Policy PMD1 (Conditions 5 and 7). Approval of a Construction Environmental Management Plan (CEMP) would be needed to safeguard the amenity of the area (Condition 6).
79. A Landscape and Ecological Management Plan (LEMP) would be necessary for landscape and biodiversity reasons in accordance with Policies PMD1, PMD2, PMD6 and PMD7. The July 2021 Landscape and Ecological Management Plan refers to a management programme for the site and funding arrangements, along with a monitoring programme.<sup>66</sup> For the avoidance of doubt it would be necessary to specify that these are matters that would need to be included in an approved LEMP (Condition 8).
80. An Ecological Management Plan requiring waterbird mitigation land would be necessary to mitigate any adverse impact on the integrity of the SPA and Ramsar sites. Given the importance of the Ecological Management Plan, no development or preliminary groundworks should commence prior to its approval, and it would need to be implemented in strict accordance with the approved details. The waterbird mitigation land would need to be created prior to the installation of any part of the proposed development. The tailpiece in the suggested planning condition, which would permit the Local Planning Authority to approve in writing deviations from the approved Ecological Management Plan, should not apply because of the possibility of unforeseen adverse impact affecting the integrity of the SPA and Ramsar sites (Condition 9).

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<sup>65</sup> ID11.

<sup>66</sup> ID7 Sections 5 and 6.

81. Provision would need to be made for the remediation of any land contamination for health and safety reasons in accordance with Policy PMD1 (Condition 10). An archaeology condition in accordance with Policy PMD4 would deal adequately with local heritage considerations (Condition 11). Lighting would need to be controlled in the interests of the appearance of the area in accordance with Policies PMD1, PMD2 and PMD7 (Condition 12).
82. Implementation of an up to date Battery Safety Management Plan (BSMP) would be necessary for fire safety reasons in accordance with Policy PMD1 (Condition 13). This Policy would also apply to glint and glare, which would need to be controlled to safeguard the amenity of the area (Condition 14). For similar reasons, a noise condition would also be required (Condition 15). Securing continued agricultural use of the site by grazing would be necessary to accord with the scheme that was considered at the Inquiry (Condition 16).
83. Paragraph 8.28 of the SoCG states that planning conditions relating to managing flood risk and drainage should be included if the appeal was allowed. I concur. But no such condition was included in the suggested conditions. A planning condition would be necessary to give effect to the requirements of the Flood Risk Assessment and Drainage Strategy (Parts 1 and 2), prepared by RMA Environmental, dated July 2021 (R010) (Condition 17).<sup>67</sup>
84. It is the appellant's intention that the AC output of the energy generation station would be restricted to 49.9 MW through the installed combined inverter/transformer units. That would be consistent with policy for NSIPs. EN-3 states that the combined capacity of the installed inverters (measured in AC) should be used for the purposes of determining solar site capacity.<sup>68</sup> The capacity of the proposed inverters for the appeal scheme is unspecified. Although not suggested by the parties, I consider that it would be necessary to impose a condition requiring approval of details about the proposed inverters that included their capacity (Condition 18).
85. Some minor changes to the wording of suggested conditions would be necessary for clarity and enforceability reasons.

## Conclusions

86. I find that the other considerations in this case clearly outweigh the harm that I have identified. Looking at the case as a whole, I consider that very special circumstances exist which justify the development.
87. Given my finding of very special circumstances, and subject to the imposition of appropriate planning conditions, I am satisfied that the impacts of the proposed development could be made acceptable, and that in accordance with NPPF paragraph 163 b) the scheme should be approved. The proposal complies with the NPPF taken as a whole.
88. The existence of very special circumstances for the purposes of applying the NPPF means that the proposal accords with Policy PMD6, which seeks to maintain, protect and enhance the open character of the Green Belt in Thurrock in accordance with the provisions of the NPPF. The appeal scheme would not be at odds with the part of Policy PMD6 which states that TBC will plan positively to enhance the beneficial use of the Green Belt by looking for

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<sup>67</sup> CD A9A and B.

<sup>68</sup> EN-3 paragraph 2.48.7.

opportunities to, amongst other things, retain and enhance landscapes and visual amenity. Any conflict with Policies CSTP23, CSTP26 and PMD2 would not be sufficient to bring the proposal into contravention of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development, when considered as a whole. I find no conflict with other relevant development plan policies and consider that the proposal accords with the development plan taken as a whole.

89. I have taken into account all other matters raised in evidence, but I have found nothing of sufficient weight to alter my conclusions. For the reasons given I conclude that the appeal should succeed.

*J Woolcock*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Mark O'Brien O'Reilly of counsel	Instructed by Caroline Robins Locum Principal Solicitor Thurrock Council
He called	
Christopher Whitehouse BSc (Hons) MRICS	Managing Director NextPhase

### FOR THE APPELLANT:

Thea Osmund-Smith of counsel and Odette Chalaby	Instructed by Paul Burrell Executive Director Pegasus Group
They called	
Ben Croot BSc (Hons) MSc CMLI	Associate LDA Design Consulting Ltd
Gail Stoten BA (Hons) MCIfA FSA	Executive Director (Heritage) Pegasus Group
Paul Burrell BSc (Hons) Dip UP MRTPI	Executive Director (Planning) Pegasus Group

## DOCUMENTS SUBMITTED AT THE INQUIRY (ID)

ID	1	Opening Statement on behalf of the Appellant
ID	2	Opening Submissions on behalf of the Local Planning Authority
ID	3	Alfreton Appeal Ref:APP/M1005/W/22/3299953
ID	4	Further Note on Flood Risk Sequential Test
ID	5	C17 Technical Note Queries Response
ID	6	Walpole Marsh Appeal Ref:APP/A2525/W/22/3295140 and APP/V2635/W/22/3295141
ID	7	Landscape and Ecological Management Plan July 2021
ID	8	Viewpoint A
ID	9	Annotated Wider Landscaping Plan
ID	10	Offer Summary Document National Grid
ID	11	Suggested planning conditions dated 12 January 2024
ID	12	Closing submission on behalf of the Local Planning Authority
ID	13	Closing submission on behalf of the appellant



## CORE DOCUMENTS (CD)

Reference		Documents and Drawings
A1	A	Thurrock Council Application Form, including Ownership Certificates
	B	Basildon Borough Council Application Form, including Ownership Certificates
A2	A	Covering Letter to Thurrock Council prepared by Enso Energy, dated 23 <sup>rd</sup> September 2021
	B	Covering Letter to Basildon Borough Council prepared by Enso Energy, dated 23 <sup>rd</sup> September 2021
A3	A	Planning Application Drawing Pack, prepared by Aardvark EM Limited and Cero (RO02)
	Bi)	Site Location Plan 1 of 6, prepared by Aardvark EM Limited, dated 30 <sup>th</sup> June (2033/D001.1 Rev v.i)
	Bii)	Site Location Plan 2 of 6, prepared by Aardvark EM Limited, dated 30 <sup>th</sup> June (2033/D001.2 Rev v.i)
	Biii)	Site Location Plan 3 of 6, prepared by Aardvark EM Limited, dated 30 <sup>th</sup> June (2033/D001.3 Rev v.i)
	Biv)	Site Location Plan 4 of 6, prepared by Aardvark EM Limited, dated 30 <sup>th</sup> June (2033/D001.4 Rev v.i)
	Bv)	Site Location Plan 5 of 6, prepared by Aardvark EM Limited, dated 30 <sup>th</sup> June (2033/D001.5 Rev v.i)
	Bvi)	Site Location Plan 6 of 6, prepared by Aardvark EM Limited, dated 30 <sup>th</sup> June (2033/D001.6 Rev v.i)
	C	Proposed Site Plan, prepared by Enso Energy and Cero, dated 24 <sup>th</sup> June 2021 (F02.0 Rev 15)
	D	Auxiliary Transformer, prepared by Cero, dated 17 <sup>th</sup> March 2021 (FO10.0 Rev 01)
	E	Battery Container Elevations, prepared by Cero, dated 17 <sup>th</sup> March 2021 (FO12.0 Re v01)
	F	Battery Fence and Gate Elevations, prepared by Cero, dated 4 <sup>th</sup> June 2021 (FO14.0 Rev 01)
	G	Cable Trough, prepared by Cero, dated 4 <sup>th</sup> June 2021 (FO15.0 Rev 01) – reference on plan FO15.0
	H	CCTV Elevations, prepared by Cero, dated 17 <sup>th</sup> March 2021 (FO11.0 Rev 01)
	I	Control Room Elevations, Prepared by Cero, dated 17 <sup>th</sup> March 2021 (FO9.0 Rev 01)
	J	Fence and gate elevations, prepared by Cero, dated 4 <sup>th</sup> June 2021 (FO6.0 Rev 02)
	K	Internal Access Road Detail, prepared by Cero, dated 17 <sup>th</sup> March 2021 (FO5.0 Rev 01)
	L	Inverter/Transformer Station, prepared by Cero, dated 17 <sup>th</sup> March 2021 (FO4.0 Rev 01)
	M	PV Elevations Ballast, prepared by Cero, dated 22 <sup>nd</sup> July 2021 (FO3.1 Rev 02)
	N	PV Elevations Pile, dated 22 <sup>nd</sup> July 2021 (FO3.0 Rev 02)
	O	High Road Access Junction Arrangement, prepared TPA, dated 20 <sup>th</sup> March 2020 (SK01 Rev C)
	P	Storage Container Elevations, prepared by Cero, dated 17 <sup>th</sup> March 2021 (FO13.0 Rev 01)

	Q	Substation Elevations, prepared by Cero, dated 17 <sup>th</sup> March 2021 (FO8.0 Rev 01)
	R	Weather Station, prepared by Cero, dated 17 <sup>th</sup> March 2021 (FO7.0 Rev 01)
	S	Proposed Landscape and Ecological Enhancement Plan, prepared by LDA Design Consulting Ltd, dated July 2021 (Ref 7428_100 Rev B)
	Ti)	Detailed Soft Landscaping Plan: Overview Plan, prepared by LDA Design Consulting Ltd, dated July 2021 (Ref 7428_200 Rev B)
	Tii)	Detailed Soft Landscaping Plan 1 of 7, prepared by LDA Design Consulting Ltd, dated July 2021 (Ref 7428_201 Rev B)
	Tiii)	Detailed Soft Landscaping Plan 2 of 7, prepared by LDA Design Consulting Ltd, dated July 2021 (Ref 7428_202 Rev B)
	Tiv)	Detailed Soft Landscaping Plan 3 of 7, prepared by LDA Design Consulting Ltd, dated July 2021 (Ref 7428_203 Rev B)
	Tv)	Detailed Soft Landscaping Plan 4 of 7, prepared by LDA Design Consulting Ltd, dated July 2021 (Ref 7428_204 Rev B)
	Tvi)	Detailed Soft Landscaping Plan 5 of 7, prepared by LDA Design Consulting Ltd, dated July 2021 (Ref 7428_205 Rev B)
	Tvii)	Detailed Soft Landscaping Plan 6 of 7, prepared by LDA Design Consulting Ltd, dated July 2021 (Ref 7428_206 Rev B)
	Tviii)	Detailed Soft Landscaping Plan 7 of 7, prepared by LDA Design Consulting Ltd, dated July 2021 (Ref 7428_207 Rev B)
	U	Planting Schedule, prepared by LDA Design Consulting Ltd, dated July 2021 (Ref 7428_208 Rev B)
A4		Planning Statement, prepared by Aardvark EM Limited, dated July 2021 (ROO3)
A5		Design and Access Statement, prepared by Aardvark EM Limited, dated July 2021 (ROO4)
A6	A	Non-Technical Summary of the Environmental Statement (Part 1 of 2), prepared by Aardvark EM Limited, dated July 2021 (ROO6)
	B	Non-Technical Summary of the Environmental Statement (Part 2 of 2), prepared by Aardvark EM Limited, dated July 2021 (ROO6)
A7	A	Environment Statement- Contents Page (Part 1 of 11), prepared by Aardvark EM Limited, dated July 2021 (ROO7)
	B	Environment Statement- Chapter 1- Introduction (Part 2 of 11), prepared by Aardvark EM Limited, dated July 2021 (ROO7)
	C	Environment Statement- Chapter 2- Site and Its Environs (Part 3 of 11), prepared by Aardvark EM Limited, dated July 2021 (ROO7)
	D	Environment Statement- Chapter 3- Proposed Development (Part 4 of 11), prepared by Aardvark EM Limited, dated July 2021 (ROO7)
	E	Environment Statement- Chapter 4- Policy (Part 5 of 11), prepared by Aardvark EM Limited, dated July 2021 (ROO7)
	F	Environment Statement- Chapter 5- Assessment Methodology (Part 6 of 11), prepared by Aardvark EM Limited, dated July 2021 (ROO7)
	G	Environment Statement- Chapter 6- Landscape and Visual (Part 7 of 11), prepared by Aardvark EM Limited, dated July 2021 (ROO7)
	H	Environment Statement- Chapter 7- Biodiversity (Part 8 of 11), prepared by Aardvark EM Limited, dated July 2021 (ROO7)

	I	Environment Statement- Chapter 8- Cultural Heritage (Part 9 of 11), prepared by Aardvark EM Limited, dated July 2021 (R007)
	J	Environment Statement- Chapter 9- Other Considerations (Part 10 of 11), prepared by Aardvark EM Limited, dated July 2021 (R007)
	K	Environment Statement- Chapter 10- Glossary (Part 11 of 11), prepared by Aardvark EM Limited, dated July 2021 (R007)
A8	A	Environment Statement-Appendix 1.1: TC Screening Opinion (Part 1 of 16), prepared by Thurrock Council, dated 28 <sup>th</sup> July 2020 (R008)
	B	Environment Statement-Appendix 1.2: TC Screening Opinion (Part 2 of 16), prepared by Thurrock Council, dated 9 <sup>th</sup> September 2020 (R008)
	C	Environment Statement-Appendix 1.3: EIA Team (Part 3 of 16), prepared by Aardvark EM Limited (R008)
	D	Environment Statement-Appendices 6.1 to 6.6: LVIA (Part 4 of 16), prepared by LDA Design Consulting Ltd, dated June 2021 (R008)
	E	Environment Statement-Appendix 6.7 LVIA- Figures 6.1 to 6.6 (Part 5 of 16), prepared by LDA Design Consulting Ltd, dated June 2021 (R008)
	F	Environment Statement-Appendix 6.7 LVIA- Figure 6.7.1- 6.7.10 (Part 6 of 16), prepared by LDA Design Consulting Ltd, dated June 2021 (R008)
	Gi)	Environment Statement-Appendix 6.7 LVIA- Part 1 Photomontages- Figure 6.8.1 (Part 7 of 16), prepared by LDA Design Consulting Ltd, dated June 2021 (R008)
	Gii)	Environment Statement-Appendix 6.7 LVIA- Part 2 Photomontages- Figure 6.8.2-6.8.3 (Part 8 of 16), prepared by LDA Design Consulting Ltd, dated June 2021 (R008)
	Giii)	Environment Statement-Appendix 6.7 LVIA- Part 3 Photomontages- Figure 6.8.4 (Part 9 of 16), prepared by LDA Design Consulting Ltd, dated June 2021 (R008)
	H	Environment Statement-Appendix 7.1 Findings of the Ecology Surveys (Part 10 of 16), BSG Ecology, June 2021 (R008)
	I	Environment Statement-Appendix 7.2 Assessment of Intervisibility (Part 11 of 16), BSG Ecology, June 2021 (R008)
	J	Environment Statement-Appendix 7.3 BNG Report (Part 12 of 16), BSG Ecology, June 2021 (R008)
	Ki)	Environment Statement- Heritage Technical Appendix 8.1 (Part 13 of 16) prepared by Headland Archaeology, dated August 2020 (R008)
	Kii)	Environment Statement- Heritage Technical Appendix 8.2 (Part 14 of 16), prepared by Wessex Archaeology, dated February 2021 (R008)
	Kiii)	Environment Statement- Heritage Technical Appendix 8.2 (Part 15 of 16), prepared by Wessex Archaeology, dated February 2021 (R008)
	Kiv)	Environment Statement- Heritage Technical Appendix 8.2 (Part 16 of 16), prepared by Wessex Archaeology, dated February 2021 (R008)
A9	A	Flood Risk Assessment and Drainage Strategy (Part 1 of 2), prepared by RMA Environmental, dated July 2021 (R010)
	B	Flood Risk Assessment and Drainage Strategy (Part 2 of 2), prepared by RMA Environmental, dated July 2021 (R010) March 2021
A10		Noise Impact Assessment, prepared by Inacoustic, dated July 2021 (R011)
A11		Glint and Glare Assessment, prepared by Pager Power, dated June 2021 (R012)

A12		Statement of Community Involvement, prepared by Alpaca Communications, dated July 2021 (RO13)
A13		Ground Investigation Report, prepared by Jomas Associates, dated July 2021 (RO14)
A14		Agricultural Land Classification, prepared by Amet Property, dated July 2021 (RO15)
Thurrock Council Re-submission 1 <sup>st</sup> October 2021		
A15	A	Site Location Plan 1 of 6, prepared by Aardvark EM Limited, dated 30 <sup>th</sup> September 2021 (2033/D001.1 Rev v.k)
	B	Site Location Plan 2 of 6, prepared by Aardvark EM Limited, dated 30 <sup>th</sup> September 2021 (2033/D001.2 Rev v.k)
	C	Site Location Plan 3 of 6, prepared by Aardvark EM Limited, dated 30 <sup>th</sup> September 2021 (2033/D001.3 Rev v.k)
	D	Site Location Plan 4 of 6, prepared by Aardvark EM Limited, dated 30 <sup>th</sup> September 2021 (2033/D001.4 Rev v.k)
	E	Site Location Plan 5 of 6, prepared by Aardvark EM Limited, dated 30 <sup>th</sup> September 2021 (2033/D001.5 Rev v.j)
	F	Site Location Plan 6 of 6, prepared by Aardvark EM Limited, dated 30 <sup>th</sup> September 2021 (2033/D001.6 Rev v.j)
Thurrock Council Re-submission 11 <sup>th</sup> October 2021		
A16		Construction Traffic Management Plan, prepared by TPA, dated June 2021 (Ref R005)
Thurrock Council Re-submission 16 <sup>th</sup> March 2022		
A17		Ecology Report to Inform Appropriate Assessment, prepared by BSG, dated March 2022 (P21-948)
Thurrock Council Re-submission 5 <sup>th</sup> December 2022		
A18		Technical Note on changes to BNG Calculations, prepared by BSG, dated December 2022
A19		Landscape Amendments Briefing Note, prepared by LDA Design, dated December 2022
Thurrock Council Re-submission 5 <sup>th</sup> December 2022		
A20		Landscape and Ecology Enhancement Plan, prepared by LDA Design Consulting Ltd, dated July 2021 (Ref 7428_100 Rev B)
A21		Proposed Site Plan Showing Reduced Site Areas, prepared by Enso Energy and Cero, dated 13 <sup>th</sup> October 2022 (F02.0 Rev 19)
A22		Proposed Site Plan, prepared by Enso Energy and Cero, dated 14 <sup>th</sup> October 2022 (F02.0 Rev 19)
A23		Non-breeding Waterbird Migration Technical Note, prepared by BSG, dated August 2022
Thurrock Council Submitted 22 <sup>nd</sup> February 2023		
A24		Habitat Regulation Assessment, prepared by Thurrock Council, dated February 2023
Thurrock Council Re-submission 10 <sup>th</sup> May 2023		
A25		Glint and Glare Assessment with Site Survey, Mitigation and Management Plan, prepared by Page Power, dated May 2023
Committee Reports		
A26		Thurrock Council Committee Report 16 <sup>th</sup> March 2023

A27		Thurrock Council Committee Report Updates 8 <sup>th</sup> June 2023
A28		Basildon Council Committee Report 5 <sup>th</sup> September 2023
Committee Meeting Minutes		
A29		Thurrock Council Committee Minutes 16th March 2023
A30		Thurrock Council Committee Minutes 8th June 2023
A31		Basildon Council Committee Minutes 5 <sup>th</sup> July 2023
A32		Basildon Council Committee Minutes 7 <sup>th</sup> September 2023
Decision Notice		
A33		Thurrock Council Decision Notice, dated 12 <sup>TH</sup> June 2023
Acknowledgement Letter		
A34		Basildon Council Acknowledgement Letter 22 <sup>nd</sup> October 2021
Thurrock Council Application Statutory Consultee Responses		
B1		Environment Agency, dated 2 <sup>nd</sup> November 2021
B2		Essex Police, dated 10 <sup>th</sup> November 2021
B3	A	Fire Brigade, dated 12 <sup>th</sup> May 2023
	B	Fire Brigade, dated 18 <sup>th</sup> May 2023
	C	Fire Brigade, email dated 30 <sup>th</sup> May 2023
	D	Fire Brigade, dated 19 <sup>th</sup> April 2023
B4	A	Highways Authority, dated 14 <sup>th</sup> October 2021
	B	Highways Authority, dated 1 <sup>st</sup> November 2021
B5		Historic England, dated 6 <sup>th</sup> December 2021
B6		Historic Buildings, dated 21 <sup>st</sup> December 2021
B7	A	Landscape, Arboriculture and Ecology, dated 10 <sup>th</sup> January 2022
B7	B	Landscape, Arboriculture and Ecology, dated 8 <sup>th</sup> February 2023
B8		Natural England, dated 26 <sup>th</sup> January 2023
B9		Public Rights of Way, dated 2 <sup>nd</sup> November 2021
B10		Specialist Archaeological Advice, dated 29 <sup>th</sup> October 2021
B11		Cadent Gas Limited, dated 14 <sup>th</sup> October 2021
B12		Environment Health, dated 22 <sup>nd</sup> March 2022
B13		Essex Wildlife Trust, email dated 18 <sup>th</sup> January 2023
B14		RSPB, dated 25 <sup>th</sup> January 2023
B15		Rochford District Council, dated 10 <sup>th</sup> March 2023
Planning Appeal		
Appeal Administration		
C1		Thurrock Council Pre-Notification Form dated 11 <sup>th</sup> July 2023
C2		Basildon Borough Council Decision Notice dated 8 <sup>th</sup> September 2023
C3		Submitted Appeal Forms, dated 31 <sup>st</sup> August 2023
C4		Thurrock Council Appeal Questionnaire, dated 26 <sup>th</sup> September 2023
C5	A	Neighbour Notification Letter, dated 22nd September 2023
	B	Neighbour Notification List, dated 20th September 2023
	C	Newspaper advertisement, dated 14th October 2023

Statements of Case		
C8		Statement of Case, prepared by Pegasus Group, dated August 2023
C9		Statement of Case, prepared by Thurrock Council, dated 23 <sup>rd</sup> October 2023
Statement of Common Ground		
C10		Agreed Statement of Common Ground, dated 14 <sup>th</sup> November 2023
Proofs of Evidence		
C11	A	Planning Policy Considerations and the Planning Balance, by Paul Burrell
	B	Landscape and Visual and Green Belt Purposes, by Ben Croot
	C	Heritage Considerations, by Gail Stoten
	D	Planning Policy Considerations and the Planning Balance, Chris Whitehouse
	E	Planning PoE: Erratum, by Christopher Whitehouse
Rebuttals		
C12	A	Planning Rebuttal Evidence, by Paul Burrell
	B	Rebuttal Landscape Proof of Evidence, by Ben Croot
	C	Heritage rebuttal, by Gail Stoten
Conditions		
C13		Draft Planning Conditions
Position Statements		
C14		Planning Policy Joint Position Statement between the Appellant and Thurrock Council
C15		Joint Position Statement between the Appellant and Thurrock Council on 'other considerations' for the purposes of NPPF Paragraph 153 (Green Belt Very Special Circumstances balance)
C16		Position Statement – Sequential and Exception Tests, prepared by the Appellant
C17		Fobbing Solar Farm – Technical Note, prepared by the Appellant
C18		Habitat Regulations Assessment – Thames Estuary RAMSAR/SPA between the Appellant and Thurrock Council
Statement of Common Ground - Addendum		
C19		Agreed Addendum to the Statement of Common Ground, dated January 2024
National Planning Policy, Guidance and Legislation		
D1		National Planning Practice Guide ( <i>Electronic Version only</i> )
D2	A	Overarching National Policy Statement for Energy (EN-1) (July 2011)
	B	Overarching National Policy Statement for Energy (EN-1) (November 2023)
D3	A	National Policy Statement for Renewable Energy Infrastructure (EN-3) (July 2011)
	B	National Policy Statement for Renewable Energy Infrastructure (EN-3) (November 2023)
D4		UK Government Solar Strategy 2014
D5		Written Ministerial Statement on Solar Energy: protecting the local and global environment made on 25th March 2015
D6		Climate Change Act 2008



D7	Climate Change Act (2050 target amendment) Order 2019
D8	Clean Growth Strategy, published by the Department for Business, Energy and Industrial Strategy (BEIS) in October 2017
D9	UK Parliament declaration of an Environmental and Climate Change Emergency in May 2019
D10	Energy White Paper: Powering our Net Zero Future published in December 2020
D11	UK Government press release of acceleration of carbon reduction to 2035, dated April 2021
D12	The latest version of the 'Digest of United Kingdom Energy Statistics', July 2023
D13	UK Energy Statistics Press Release published by the Department for Business, Energy & Industrial Strategy, June 2020.
D14	'Achieving Net Zero' published by the National Audit Office in December 2020
D15	Net Zero Strategy: Build Back Greener, dated October 2021.
D16	British Energy Security Strategy, updated 7th April 2022.
D17	2021 UK Greenhouse Gas Emissions, Provisional Figures, published by Department for Business, Energy and Industrial Strategy, dated 31 <sup>st</sup> March 2022.
D18	Subnational Electricity Consumption, Great Britain, 2005-2021, published by the Department for Business, Energy & Industrial Strategy, dated 22nd December 2022
D19	Powering Up Britain – Energy Security Plan (March 2023)
D20	UK Battery Strategy, published by the Department for Business & Trade (November 2023)
D21	Achieving Net Zero – Farming’s 2040 goal, published by the NFU, dated September 2019
D22	FES in Five, dated July 2023
Local Planning Policy, Guidance and Documents	
E1	Saved policies of the Thurrock Borough Local Plan 2012 (adopted September 1997)
E2	Thurrock Local Development Framework Core Strategy and Policies for Management of Development (as amended) adopted January 2015
E3	Thurrock Council Climate Emergency (October 2019)
Landscape	
F1	Guidelines for Landscape and Visual Impact Assessment 3rd Edition
F2	National Character Area Profiles Greater Thames Estuary (NCA 81), dated 2014
F3	Thurrock Greengrid Strategy 2006- 2011 (2006)
F4	Thurrock Green Infrastructure Framework Plan (2007)
F5	Thurrock Landscape Capacity Study (2005)
F6	Essex Landscape Character Assessment (2003)
F7	Thurrock Integrated Landscape Character Assessment – Part 2: Landscape Character Profiles Oct 2018 (LUC)
F8	Landscape Institute Technical Guidance Note 02/21 - Assessing landscape value outside of national designations
F9	Thurrock Integrated Landscape Character Assessment – Part 1: Introductory Chapters and Appendices Oct 2018 (LUC)
F10	The Essex Historic Landscape Characterisation Project (February 2011)

F11	Figure 1: Historic Landscape Characterisation – drawing no: P23-1652
F12	The Historic Landscape Characterisation Report for Essex, Volume 4 – Appendices (February 2011)
Green Belt	
G1	Thurrock Strategy Green Belt Assessment Stages 1a and 1b, January 2019 (PBA)
G2	Thurrock Strategy Green Belt Assessment Stages 1a and 1b, January 2019 (PBA) Appendices E and F
Heritage	
H1	Commercial Renewable Energy Development and the Historic Environment Historic England Advice Note 15, dated February 2021
H2	Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment, dated July 2015
H3	Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Second Edition), dated December 2017
H4	Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment, dated April 2008
H5	Statements of Heritage Significance, Analysing Significance in Heritage Assets, Historic England Advice Note 12, dated October 2019.
H6	Fobbing Conservation Area Appraisal, Thurrock Council, March 2007
Relevant Decisions, Legal Judgements and Officer Reports	
I1	Catesby Estates Ltd v. Steer, EWCA Civ 1697, dated 18 <sup>th</sup> July 2018
I2	EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council, dated 26 <sup>th</sup> July 2013
I3	Application for the Cleve Hill Solar Park Order ("Cleeve Hill") reference EN010085
I4	Halloughton, Nottinghamshire APP/B3030/W/21/3279533 ("Halloughton"), solar farm and battery storage allowed on 18 <sup>th</sup> February 2022
I5	Langford, Devon APP/Y/1138/W/22/3293104 ("Langford") solar farm and battery storage allowed by Secretary of State on 5 <sup>th</sup> December 2022
I6	Chelmsford, Essex APP/W1525/W/22/3300222 ("Chelmsford"), solar farm and battery storage, allowed on 6 <sup>th</sup> February 2023
I7	Bramley, Hampshire APP/H1705/W/22/3304561 ("Bramley"), solar & battery storage, allowed on 13 <sup>th</sup> February 2023
I8	New Works Lane, Telford APP/C3240/W/22/3293667 ("Telford"), solar farm, allowed by Secretary of State on 27 <sup>th</sup> March 2023
I9	Wellington, Telford APP/C3240/W/22/3308481 ("Wellington"), solar farm, allowed on 9 <sup>th</sup> May 2023
I10	Scruton, Yorkshire APP/G2713/W/23/3315877 ("Scruton"), solar farm, allowed on 27 <sup>th</sup> June 2023
I11	A Larks Green, Oxford ("Larks Green"), solar farm, approved by South Gloucestershire Council on 5 <sup>th</sup> January 2021 (Decision Notice)
	B Larks Green, Oxford ("Larks Green"), solar farm, approved by South Gloucestershire Council on 4 <sup>th</sup> December 2020 (Officer Report)
I12	A Cowley Oxford ("Cowley") solar farm, approved by South Oxfordshire District Council on 11 <sup>th</sup> January 2022 (Decision Notice)
	B Cowley Oxford ("Cowley") solar farm, approved by South Oxfordshire District Council on 15 <sup>th</sup> December 2021 (Officer's Report)

I13		Land at Bishop's Itchington, Stratford on Avon AP/J3720/W/22/3292589 ("Bishop's Itchington"), allowed on 1 <sup>st</sup> December 2022
I14		Land at Halse Road, south of Greatworth, Northamptonshire APP/W2845/W/23/3315771 ("Copse Lodge"), solar farm, allowed on 14 <sup>th</sup> November 2023
I15		R. (on the application of William Corbett) v The Cornwall Council [2020] EWCA Civ 508
I16		Land at Crays Hall Farm, Church Lane, Crays Hill, Essex APP/V1505/W/23/3318171 ("Crays Hall"), solar farm, allowed on 30 <sup>th</sup> August 2023
I17		Rawfield Lane, Fairburn, Selby APP/N2739/W/22/3300623 ("Rawfield Lane"), battery storage, allowed on 1 <sup>st</sup> December 2022
I18		Land to the west of the A46, Sherbourne, Warwick APP/T3725/W/23/3317247 ("Sherbourne"), solar farm, allowed on 25 <sup>th</sup> September 2023
I19		Land West of Wolverhampton West Primary Substation, South Staffordshire Railway Walk, Wolverhampton APP/C3430/W/22/3292837, ("Wolverhampton Substation"), battery storage, allowed on 16 <sup>th</sup> August 2022
I20	A	Harrow Lane, Bulphan, Essex ("Harrow Lane"), approved by Thurrock Council on 21 <sup>st</sup> October 2021 (Officer's Report)
	B	Harrow Lane, Bulphan, Essex ("Harrow Lane"), approved by Thurrock Council on 21 <sup>st</sup> October 2021 (Decision Notice)
I21		Redhill Aerodrome Ltd v Secretary of State for Communities and Local Government and others [2014] EWCA Civ 1386
I22		Turner v. SSCLG [2016] EWCA (CIV 466)
I23		Samuel Smith R (on the application of Samuel Smith Old Brewery [Tadcaster] and others (Respondents) V North Yorkshire County Council (Appellant) [2020} UKSC3)
I24		Barnwell Manor Wind Energy Limited Vs East Northampton District Council & Ors [2014] EWCA Civ 137
I25		Wychavon DC v Secretary of State for Communities and Local Government and Butler [2008] EWCA Civ 692
I26		Palmer vs Herefordshire Council & ANR [2016] EWCA Civ 1061, dated 4 <sup>th</sup> November 2016
I27		Mordue vs Secretary of State for Communities and Local Government and South Northamptonshire Council [2015] EWCA Civ 1243, dated 3 <sup>rd</sup> December 2015
I28		Bedford Borough Council vs Secretary of State for Communities and Local Government and Nuon UK Ltd [2013] EWHC 2847 (Admin), dated 26 <sup>th</sup> July 2013
I29		Forge Field Society vs Swindon Borough Council [2014] EWHC 1895 (Admin), dated 12 <sup>th</sup> June 2014
I30		Stroud District Council vs Secretary of State for Communities and Local Government & Gladman Developments Limited [2015] EWHC 488 (Admin), dated 6 <sup>th</sup> February 2015

## SCHEDULE OF CONDITIONS (1-18)

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans within the site boundary edged red on Drawing 2033/D001.1 Revision v.k and within the administrative area of Thurrock Borough Council:

2033/D001.1 Revision v.k	Site Location Plan 1 of 6
2033/D001.2 Revision v.k	Site Location Plan 2 of 6
2033/D001.3 Revision v.k	Site Location Plan 3 of 6
2033/D001.4 Revision v.k	Site Location Plan 4 of 6
2033/D001.5 Revision v.j	Site Location Plan 5 of 6
2033/D001.6 Revision v.j	Site Location Plan 6 of 6
SK01 Revision C	Access Junction Arrangement
FO3.0 REV.02	PV Elevations
FO3.1 REV.02	PV Elevations Ballast Foundation
FO4.0 REV.01	Inverter/Transformer Stations
FO5.0 REV.01	Internal Access Road Detail
FO6.0 REV.02	Fence and Gate Elevations
FO7.0 REV.01	Weather Station Detail
FO8.0 REV.01	Substation Elevations
FO9.0 REV.01	Control Room Elevations
FO10.0 REV.01	Auxiliary Transformer
FO11.0 REV.01	CCTV Elevations
FO12.0 REV.01	Battery Container Elevations 40ft
FO13.0 REV.01	Storage Container Elevations 40ft
FO14.0 REV.01	Battery Fence and Gate Elevations
FO15.0 REV.01	Cable Trough
7428_100 REV E	Landscape and Ecology
	Enhancement Plan
FO2.0 Rev 19	Proposed Site Plan

- 3) Planning permission is hereby granted for a temporary period of 40 years from the first commercial export of energy from the development hereby permitted. No later than one month following the first commercial export of energy the operator shall supply written notice to the Local Planning Authority of this event. On the 40<sup>th</sup> anniversary of the first commercial export of energy the development hereby permitted shall cease. The site shall thereafter be decommissioned in accordance with the Decommissioning Method Statement approved pursuant to Condition 4.
- 4) The development hereby permitted shall be removed from the site if the generation station is no longer in use or after a period of 40 years from the first commercial export of energy, whichever occurs earlier. No later than six months before the end of the 40-year period from the first commercial export of energy, or within six months of the generation

station being no longer in use, a Decommissioning Method Statement (DMS) for the decommissioning and site restoration, including a timetable for its implementation, shall be submitted for the written approval of the Local Planning Authority. The DMS shall make provision for the removal of the solar panels and associated works approved under this permission, and for the reinstatement of the land within the site so that with aftercare it is of the same grade of agricultural quality as when this permission was granted. The DMS shall include a Decommissioning Traffic Management Plan (DTMP). The DTMP shall include the number of HGV movements, routing of decommissioning vehicles and the timing of HGVs accessing the site. The DMS, as approved, shall be implemented in accordance with the approved details.

- 5) No construction works shall commence until a revised Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The revised CTMP shall include the number of HGV movements, routing of construction vehicles and the timing of HGVs accessing the site. Construction works shall only take place in accordance with the approved CTMP.
- 6) No construction works shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall contain or address the following matters:
  - a) Details about the construction of any access or temporary access, and details of temporary parking requirements;
  - b) Location and size of on-site compounds including the design layout of any proposed temporary artificial lighting systems;
  - c) Details of any temporary hardstandings;
  - d) Details of temporary hoarding;
  - e) Contact details for site managers including information about community liaison including a method for handling and monitoring complaints;
  - f) Wheel washing facilities;
  - g) Days and hours of construction activities; and
  - h) Detail outlined in the "Technical Note following consultation with Natural England" dated 19 August 2022 detailing how the timing/phasing of construction of the generation station will minimise disturbance to birds.

Works on site shall only take place in accordance with the approved CEMP.
- 7) No construction works shall commence until a Road Condition Survey Plan (RCSP) has been submitted to and approved in writing by the Local Planning Authority. The RCSP shall survey the roads leading to the site before development commences and shall survey the roads within one month following the completion of construction works. Any degradation of the existing road surfaces directly due to the impact of construction of the development shall be remediated in accordance with remediation details to be included in the RCSP within three months following the completion of the construction works.
- 8) Prior to the commencement of development, a Landscape and Ecological Management Plan (LEMP) in accordance with the LEMP dated July 2021 (Ref: R009) shall be submitted to and approved in writing by the Local

Planning Authority. The submitted LEMP shall be based on the Landscape and Ecology Enhancement Plan (drawing ref: 7428\_100 Rev E, dated June 2021) and shall include a management programme and funding arrangements for the site, along with a monitoring programme. The development shall be carried out in accordance with the approved details. Any trees or plants, which within a period of five years from the completion of the development dies, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size or species unless the Local Planning Authority approves alternatives in writing.

- 9) No development or preliminary groundworks shall commence until an Ecological Management Plan setting out the details of the creation, ongoing management and monitoring of the "waterbird mitigation land", which reflects the detail outlined in the "Technical Note following consultation with Natural England", dated 19 August 2022, as shown on Drawing No. 7428\_100 Rev E, has been submitted to and approved in writing by the Local Planning Authority. The waterbird mitigation land shall be created prior to the installation of any part of the development hereby permitted. The waterbird mitigation land shall be created, and thereafter retained, managed and monitored, in strict accordance with the approved Ecological Management Plan.
- 10) In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. Work on site must stop and an investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme, including a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority. Remediation shall be carried out in accordance with the approved details. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority before works can recommence.
- 11) No development or preliminary groundworks shall commence until a programme of archaeological investigations has been secured and undertaken in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. A mitigation strategy detailing the excavation/preservation strategy for any archaeological deposits shall be submitted to and approved in writing by the Local Planning Authority following the completion of this work. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the completion of fieldwork, as detailed in the approved mitigation strategy. A post excavation assessment shall be submitted within six months of the completion of the fieldwork, unless otherwise approved in advance with the Local Planning Authority in writing. This shall include completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.
- 12) No artificial external lighting or other security measures shall be installed until a lighting and security scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for



no permanent security lighting within the site, and that emergency lighting shall be manually operated. It shall include details about the type, quantity, height, intensity, position and direction of lighting, and usage during construction and operational phases. The lighting and security measures shall be implemented as approved and shall be retained at all times thereafter. No further lighting shall be installed without first having obtained planning permission from the Local Planning Authority.

- 13) Development of the battery compound and installation of the battery-based electricity storage system shall not commence until a Battery Safety Management Plan (BSMP) has been submitted to and approved in writing by the Local Planning Authority. The BSMP shall demonstrate how the operator has consulted with the Health and Safety Executive and the Fire and Rescue Service in prescribing and implementing the measures set out in the BSMP, which shall facilitate safety during the construction, operation and decommissioning of the battery storage facility, including the transport of new, used and replacement battery cells both to and from the development hereby permitted. The BSMP shall be implemented as approved. Thereafter, an updated BSMP, incorporating best practice guidance, policy and/or regulation at that time, shall be submitted to the Local Planning Authority for written approval every five years throughout the lifetime of the development. The most up to date approved BSMP shall be fully implemented at all times.
- 14) Development on site shall only take place in accordance with the Glint and Glare Assessment (Ref: R012 dated May 2023) and in accordance with the Glint and Glare Management Plan included in Chapter 8.
- 15) The cumulative rating sound level of the operational plant and equipment hereby permitted as part of this development shall have an operational noise level no greater than the existing background sound level during the operation of the scheme at the closest noise-sensitive receptors to the site as assessed in the Noise Impact Assessment (Ref: R011 dated July 2021).
- 16) No development shall take place until a Solar Farm Grazing Management Plan (SFGMP) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall describe the methods by which grazing will be maintained throughout the lifetime of the development. The development shall be carried out in accordance with the approved SFGMP.
- 17) Development on site shall only take place in accordance with the Flood Risk Assessment and Drainage Strategy (Parts 1 and 2) prepared by RMA Environmental (Ref: R010 dated July 2021).
- 18) No development shall take place until details of the inverters, including their capacity, have been submitted to and approved in writing by the Local Planning Authority. The inverters shall be implemented as approved and shall be retained at all times thereafter.